IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO :23838 of 2006

Dated 5th January, 2007

Between

Kondugalla Bala

…Petitioner

and

The District Collector, Kurnool District and ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 23838 of 2006

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare that the petitioner belongs to 'Chenchu Community', which is recognized as Scheduled Tribe.

It is stated that the petitioner belongs to 'Chenchu Community', which is recognized as Scheduled Tribe. It is further stated that the petitioner has obtained the caste certificate from the Mandal Revenue Officer, Allagadda Mandal to that effect and basing on the said caste certificate, he has completed graduation in Engineering.

The competent authority, i.e. the Collector and District

Magistrate, Kurnool District under the provisions of the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 has ordered enquiry into caste status of the petitioner and ultimately basing on the recommendations of the District Level Scrutiny Committee, ordered for cancellation of caste certificate obtained by the petitioner. It is stated that as against the said order of the District Collector, the petitioner has preferred appeal to the Government as provided under Section 7(1) of the AP (SC,ST, BCs) Regulation of Issue of Community Certificates Act, 1993, and the same is pending consideration.

When the competent authority has already considered and cancelled the caste certificate issued to the petitioner, the petitioner is not entitle for relief of declaration by way of Mandamus at this stage. However, as it is stated that the appeal preferred by the petitioner is pending consideration before the Government, I dispose of the Writ Petition directing the appellate authority to consider and dispose of the appeal preferred by the petitioner as per the provisions of the AP (SC,ST, BCs) Regulation of Issue of Community Certificates Act, 1993 and the rules made thereunder, by providing opportunity to the petitioner, preferably within a period of three months from the date of receipt of a copy of this order. Inasmuch as the appellate authority is not made as party respondent in this Writ Petition, the petitioner shall place a copy of this order along with the grounds of appeal before the appellate authority within a period of two weeks from today.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 05-01-2007.

Msnr.